3

4

5

6

7

8

9

10

11

18

19

20

21

22

23

24

25

26

27

28

DONALD M. SCOTTEN (CA SBN 190532)

Email: donald.scotten@akerman.com BRYAN M. LEIFER (CA SBN 265837)

Email: bryan.leifer@akerman.com 725 South Figueroa Street, 38th Floor Los Angeles, California 90017-5433

Telephone: (213) 688-9500 Facsimile: (213) 627-6342

Attorney for Interested Party LEHMÁN BROTHERS HÓLDINGS INC. OCT 26 2010

John A. Claing Course Officer/Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

PRUDENCE WALTZ,

Plaintiff,

VS.

BLUE OCEAN MORTGAGE CORPORATION, a California Corporation, MATTHEW P. KAY an individual, MOHAMED FOUZI HAFFAR an individual, LATOSHIA KELLER, an individual **AURORA LOAN SERVICES and DOES 1** THROUGH 20 inclusive

Defendants.

Case No.: BC374163

Honorable Auerlio Munoz Dept. 47

**BRIEF RE: STAY OF PROCEEDINGS** FILING BY INTERESTED PARTY **LEHMAN BROTHERS HOLDINGS** INC.

Operative Complaint Filed:

March 24, 2009

Trial Date:

October 26, 2010

The loan at issue in this proceeding, made by BNC Mortgage, Inc. to Janelle Baird on August 11, 2006, is presently owned by Lehman Brothers Holdings Inc. (LBHI), which entity is currently in Chapter 11 bankruptcy. Defendant Aurora Loan Services LLC (Aurora) services the loan on behalf of LBHI. Aurora took title to property, located at 844 West 57th Street, Los Angeles, California (the Property), on behalf of LBHI. Plaintiff, by way of her complaint, seeks to dispossess Aurora of its title to the property, thereby directly affecting LBHI's rights in the Property and the subject loan.

Plaintiff is prohibited from taking any action that would affect or impair the bankruptcy assets of LBHI. On September 15, 2008 (the Commencement Date), LBHI commenced a case under chapter 11 of title 11 of the United States Code (11 U.S.C. § 101 et seq.) (the Bankruptcy Code) in

{LA082148;1}

CASE No.: BC374163

BRIEF RE: STAY OF PROCEEDINGS FILING BY DEFENDANT LEHMAN BROTHERS HOLDINGS INC.

AKERMAN SENTERFITT LLP

1

2

3

4

5

6

7

8

9

10

11

TEL.: (213) 688-9500 - FAX: (213) 627-6342

18

19

20

21

22

23

24

25

26

27

28

the United States Bankruptcy Court for the Southern District of New York (the Bankruptcy Court). The chapter 11 case bears index no. 08-13555 (JMP). A copy of LBHI's chapter 11 petition is attached hereto as EXHIBIT A.

As of the Commencement Date, any action against LBHI is stayed pursuant to section 362 of the Bankruptcy Code (the Automatic Stay), which provides, in relevant part, that the filing of the petition operates as a stay, applicable to all entities of, among other things, "the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title..." and of "any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate." 11 U.S.C. § 362(a)(1) & 362(a)(3).

Any action taken against LBHI, or an asset of its estate, without obtaining relief from the Automatic Stay from the Bankruptcy Court, may be void, ab initio, and may result in a finding of contempt and an assessment of penalties and fines, as appropriate. LBHI reserves and retains its statutory right to seek relief in the Bankruptcy Court from any judgment, order, or ruling entered in violation of the Automatic Stay.

Pursuant to section 362(a) of the Bankruptcy Code, an automatic stay went into effect on the Commencement Date, prohibiting the commencement or continuation of this action, which seeks to affect property of LBHI's bankruptcy estate. See 11 U.S.C. § 362(a)(1). Allowing plaintiff to pursue this action against property of LBHI's bankruptcy estate would violate the automatic stay. Should plaintiff wish to maintain this action, she must move for relief from the automatic stay in the Bankruptcy Court.

Dated: October 25, 2010

By: YAN M. LEIFER

Attorneys for Interested Party

LEHMAN BROTHERS HOLDINGS INC.

(LA082148:1)

CASE No.: BC374163

{LA082148:1

AKERMAN SENTERFITT LLP

**新**化起光器

## . 08-13555-mg Doc 12781-5 Filed 11/15/10 Entered 11/15/10 .27:26 REQUEST FOR STAY OF STATE COURT PROCEEDINGS AGAINST AURORA Pg 5 of 24

(Official Form 1) (1/08)

United States Bankruptcy Cour Southern District of New York					,	Voluntary Petition	
Name of Debtor (if individual, enter Last, First, Midd			<del>'</del>	Name of Joint Debtor (Spouse) (Last, First, Middle):			
•	-		1			,	
Lehman Brothers Holdings Inc.			N/.		h., d., 1 * - P *		0
All Other Names used by the Debtor in the last 8 yea (include married, maiden, and trade names):	irs			Other Names used	-		8 years
Last four digits of Soc. Sec. or Individual-Taxpayer I more than one, state all): EIN # 13-3216325	5	Complete EIN (i		t four digits of Soc.		ual-Taxpayer I.	D. (ITIN) No./Complete EIN (if more
Street Address of Debtor (No. and Street, City, and S	State):		Stre	et Address of Joint	i Debtor (No. an	d Street, City,	and State): N/A
745 Seventh Avenue New York, New York							
1000 10014 1000							
	ZiP	CODE 10019	,				ZIP CODE
County of Residence or of the Principal Place of Bus	siness: New Y	ork	Cou	anty of Residence of	or of the Principa	al Place of Busi	iness: N/A
Mailing Address of Debtor (if different from street ac	ddress): N/A						eet address): N/A
-		CODE		•			ZIP CODE
Location of Principal Assets of Business Debtor (if d	lifferent from str	eet address abov	/e):				
							ZIP CODE
Type of Debtor (Form of Organization)	-	re of Business Theck one box.)					Code Under Which Check one box)
	☐ Health Care	Business		Chapter 7	г	Chanter I	5 Petition for Recognition of a Foreign
Individual (includes Joint Debtors)  See Exhibit D on page 2 of this form.	☐ Single Asset 11 U.S.C. § :	Real Estate as d	lefined in	☐ Chapter 9 Main Proceeding			
☐ Corporation (includes LLC and LLP)	Railroad	101 (515)					5 Petition for Recognition of a Foreign Proceeding
Partnership Other (If debtor is not one of the above	Stockbroker			Chapter 13			
entities, check this box and state type of	Commodity				Nature	of Debts (C	heck one box)
l .	☐ Clearing Ban ☑ Other	iK		☐ Debts are primarily consumer ☑ Debts are primarily business			
	Financial S	ervices		debts, defined in 11 U.S.C. § debts.			
[	Exempt Entity	<u>crvices</u>		101(8) as "incurred by an individual primarily for a personal,			
	· ·	if applicable.)		family, or l	household purpe	<sup>Se,"</sup> Chapter 11 I	Debtors
		6 of the United	States	Check one box		ompter 11 2	
	`	ternal Revenue (	Code).	Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).			
Filing Fee (Check	k one box)		1	Deblor is not a small business debtor as defined in 11 U.S.C. § 101(51D).			
Filing Fee to be paid in installments (applicable to indiv	riduals only)	tha daktan is anaki		Check if:  Debtor's aggregate noncontingent liquidated debts (excluding debts owed to			
Must atlach signed application for the court's considerat except in installments. Rule 1006(b). See Official Form	m 3A.				affiliates) are le		
Filing Fee waiver requested (applicable to chapter 7 indi the count's consideration. See Official Form 3B.	ividuals only). Mu	st attach signed app	plication for	Check all appl	 liaabla bayas		
					eing filed with t		
				Acceptance	es of the plan w	ere solicited pre	epetition from one or more classes of
Statistics Mt. Aministrative Information				creditors, i	n accordance wi	ith 11 U.S.C. §	1126(B). THIS SPACE IS FOR COURT USE
Statistical/Administrative Information  Debtor estimates that funds will be available for distri	ibution to unsecure	d creditors.					ONLY
Debtor estimates that, after any exempt property is ex- distribution to unsecured creditors.	cluded and adminis	trative expenses po	aid, there will b	e no funda available fo	or		
Estimated Number of Creditors (Consolidated with affiliate	rs)						
	1,000-	0	D	25,001	<u></u>	Ø	
1-49 50-99 100-199 200-999	1,000- 5 <b>,000</b>	5,001- 10,000	10,001- 25,000	25,001 50,000	50,001- 100,000	Over 100,000	
Estimated Assets (Consolidated with affiliates)							
\$640 \$50,001 to \$100,001 to \$500,001 to		\$10,000,001	\$50,000,001	\$100,000,001	\$500,000,001	More than	
\$50,000 \$100,000 \$500,000 \$1 million	to \$10 million	10 \$50 million	to \$100 million	to \$500 million	to \$1 billion	\$1 billion	
Estimated Liabilities (Consolidated with affiliates)						IS2	
\$0 to \$500,001 to \$100,001 to \$500,001 to		\$10,000,001	\$50,000,001	\$100,000,001	\$500,000,001	More than	
\$50,000 \$100,000 \$500,000 \$1 million	io \$10 millim	to \$50 million	to \$100 million	to \$500 million	to \$1 billion	\$1 billion	

## 08-13555-mg Doc 12781-5 Filed 11/15/10 Entered 11/15/10 S:27:26 REQUEST FOR STAY OF STATE COURT PROCEEDINGS AGAINST AURORA Pg 6 of 24

(Official Form 1) (1/08)

	· · · · · · · · · · · · · · · · · · ·		FORM B1, Page 2		
Voluntary Petition (This page must be con	Voluntary Petition Name of Debtor(s): Lehman Brothers Holdings Inc. This page must be completed and filed in every case)				
<u></u>	All Prior Bankruptcy Case Filed Within Last	8 Years (If more than two, attach additional sheet.)			
Location Where Filed:	N/A	Case Number: N/A	Date Filed: N/A		
Location Where Filed:	N/A	Case Number: N/A	Date Filed: N/A		
		Affiliate of this Debtor (If more than one, attach additional she	et.)		
Name of Debtor:		Case Number:	Date Filed:		
District:		Relationship:	Judge:		
Exhibit A  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Act of 1934 and is requesting relief under chapter 11.)  Exhibit B  (To be completed if debtor is an individual whose debts are primarily consumed debts.)  I, the attorney for the petitioner named in the foregoing petition, declare that I have inform the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11. Units States Code, and have explained the relief available under each such chapter. I further certificat I have delivered to the debtor the notice required by § 342(b).					
🛭 Exhibit A is :	attached and made a part of this petition.	X Signature of Attorney for Debtor(s)	Date		
		organization for Devortary			
Yes, and Exh	n or have possession of any property that poses or is alleged to pose a the libit C is attached and made a part of this petition.  Ahibit attached hereto)	hibit C eat of imminent and identifiable harm to public health or safety	·		
	Ex	hibit D			
	NOT AP	PLICABLE			
(To be completed b	by every individual debtor. If a joint petition is filed, each spouse must co				
, -					
_	it D completed and signed by the debtor is attached and made a part of th	is pennon.			
If this is a joint peti	ition: it D also completed and signed by the joint debtor is attached and made a	part of this petition.			
	Information Regarding (Check any a	; the Debtor - Venue plicable box.)			
⊠	Debtor has been domiciled or has had a residence, principal place of preceding the date of this petition or for a longer part of such 180 days		immediately		
	There is a bankruptcy case concerning debtor's affiliate, general partner	or partnership pending in this District.			
0	Debtor is a debtor in a foreign proceeding and has its principal place of principal place of business or assets in the United States but is a defend the interests of the parties will be served in regard to the relief sought in	ant in an action or proceeding [in a federal or state court] in this			
<del></del>	Certification by a Debtor Who Resides	as a Tenant of Residential Property			
1	NOT APPL				
0	Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)				
(Name of landlord that obtained judgment)					
(Address of landlord)					
	Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and				
0	Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.				
	Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).				

## 08-13555-mg Doc 12781-5 Filed 11/15/10 Entered 11/15/10 S:27:26 REQUEST FOR STAY OF STATE COURT PROCEEDINGS AGAINST AURORA Pg 7 of 24

(Official Form 1) (I/08)	
	FORM B1, Page 3
Voluntary Petition	Name of Debtor(s): Lehman Brothers Holdings Inc.
(This page must be completed and filed in every case)	
Sig	natures
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative
I declare under penalty of perjury that the information provided in this petition is true and	I declare under penalty of perjury that the information provided in this petition is
correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to	true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.
file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title  11. United States Code, understand the relief available under each such chapter, and	,
choose to proceed under chapter 7.	(Check only one box.)
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).	1 request relief in accordance with chapter 15 of title 11, United States Code.
	Certified copies of the documents required by 11 U.S.C. § 1515 are attached.
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of
	the foreign main proceeding is attached.
Y	j
Signature of Debtor	X
X Signature of Joint Debtor	•· · · · · · · · · · · · · · · · · · ·
Signature of John Decici	(Printed Name of Foreign Representative)
Telephone Number (if not represented by attorney)	Date
Date	
Signature of Attorney*	Signature of Non-Attorney Bankruptcy Petition Preparer
	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in I1
X /s/ Harvey R. Miller Signature of Attorney for Debtor(s)	U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b).
Harvey R. Miller, Esq.	110(h), and 342(b); and (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I
Richard P. Krasnow, Esq.	have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B
Lori R. Fife, Esq.	is attached.
Shai Y. Waisman, Esq. Jacqueline Marcus, Esq.	and the second s
Printed Name of Attorney for Debtor(s)	Printed Name and title, if any, of Bankruptcy Petition Preparer
Weil, Gotshal & Manges LLP	Social-Security number (If the bankruptcy petition preparer is not an individual, state the
767 Fifth Avenue	Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)
Address New York, New York 10153	Address
NEW TOTA, NEW TOTA 10153	Address
212-310-8000 Telephone Number	x
September 14, 2008	Date
Date • In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney	Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner
has no knowledge after an inquiry that the information in the schedules is incorrect.	whose Social-Security number is provided above.
Signature of Debtor (Corporation/Partnership)	Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:
I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.	If more than one person prepared this document, attach additional sheets conforming to the
The debtor requests the relief in accordance with the chapter of title 11, United States	appropriate official form for each person.  A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the
Code, specified in this petition.	Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C.
x /s/ Ian T. Lowitt	§ 110; 18 U.S.C. § 156.
Signature of Authorized Individual	
Ian T. Lowitt	
Printed Name of Authorized Individual	
Chief Financial Officer	
Title of Authorized Individual	
September 14, 2008	

#### **CERTIFICATE OF RESOLUTIONS**

I, Ian T. Lowitt, a duly authorized officer of Lehman Brothers Holdings Inc., a Delaware corporation (the "Company"), hereby certify that at a special meeting of the Board of Directors (the "Board") for the Company, duly called and held on September 14, 2008, the following resolutions were adopted in accordance with the requirements of the Delaware General Corporation Law and that these resolutions have not been modified or rescinded and are still in full force and effect as of the current date.

RESOLVED, that in the judgment of the Board, it is desirable and in the best interests of the Company, its creditors, employees, and other interested parties that a petition be filed by the Company seeking relief under the provisions of chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

RESOLVED, that each of the Chief Executive Officer, the Chief Financial Officer, the Chief Legal Officer, and the Chief Operating Officer (each such officer or designee being an "Authorized Person" and all being the "Authorized Persons") are hereby authorized, empowered and directed, in the name, and on behalf of the Company, to execute and verify petitions and amendments thereto under chapter 11 of the Bankruptcy Code (the "Chapter 11 Case") and to cause the same to be filed in the United States Bankruptcy Court for the Southern District of New York at such time or in such other jurisdiction as such Authorized Person executing the same shall determine.

RESOLVED, that the law firm of Weil, Gotshal & Manges LLP is hereby engaged as attorneys for the Company under a general retainer in the Chapter 11 Case, subject to any requisite bankruptcy court approval.

RESOLVED, that each Authorized Person, and such other officers of the Company as the Authorized Persons shall from time to time designate, and any employees or agents (including counsel) designated by or directed by any such officers, be, and each hereby is, authorized, empowered and directed, in the name and on behalf of the Company, to execute and file all petitions, schedules, motions, lists, applications, pleadings and other papers, and to take and perform any and all further acts and deeds which he or she deems necessary, proper or desirable in connection with the Chapter 11 Case, with a view to the successful prosecution of such case.

RESOLVED, that each Authorized Person, and such other officers of the Company as the Authorized Persons shall from time to time designate, be, and each hereby is, authorized, empowered and directed, in the name and on behalf of the Company, to engage and retain all assistance by legal counsel, accountants, financial advisors, restructuring advisors, and other professionals in connection with the Chapter 11 Case, with a view to the successful prosecution of such case.

RESOLVED, that each Authorized Person, and such other officers of the Company as the Authorized Persons shall from time to time designate, and any employees or agents (including counsel) designated by or directed by any such officers, be, and each hereby is, authorized, empowered and directed, in the name and on behalf of

the Company, to cause the Company to enter into, execute deliver, certify, file and/or record, and perform such agreements, instruments, motions, affidavits, applications for approvals or ruling of governmental or regulatory authorities, certificates or other documents, and to take such other action as in the judgment of such person shall be or become necessary, proper, and desirable to effectuate a successful reorganization of the business of the Company.

RESOLVED, that in connection with the Chapter 11 Case, each Authorized Person, and such other officers of the Company as the Authorized Persons shall from time to time designate, be, and each hereby is, authorized and empowered on behalf of and in the name of the Company, to negotiate, execute, deliver, and perform or cause the performance of any notes, guarantees, security agreements, other agreements, consents, certificates or instruments as such person considers necessary, appropriate, desirable, or advisable to effectuate borrowings or other financial arrangements, such determination to be evidenced by such execution or taking of such action.

RESOLVED, each Authorized Person, and such other officers of the Company as the Authorized Persons shall from time to time designate, be, and each hereby is, authorized, empowered and directed, in the name and on behalf of the Company, and any such actions heretofore taken by any of them are hereby ratified, confirmed and approved in all respects: (i) to negotiate, execute, deliver and/or file any and all of the agreements, documents and instruments referenced herein, and such other agreements, documents and instruments and assignments thereof as may be required or as such officers deem appropriate or advisable, or to cause the negotiation, execution and delivery thereof, in the name and on behalf of the Company, as the case may be, in such form and substance as such officers may approve, together with such changes and amendments to any of the terms and conditions thereof as such officers may approve, with the execution and delivery thereof on behalf of the Company by or at the direction of such officers to constitute evidence of such approval, (ii) to negotiate, execute, deliver and/or file, in the name and on behalf of the Company, any and all agreements, documents, certificates, consents, filings, and applications relating to the resolutions adopted and matters ratified or approved herein and the transactions contemplated thereby, and amendments and supplements to any of the foregoing, and to take such other action as may be required or as such officers deem appropriate or advisable in connection therewith, and (iii) to do such other things as may be required, or as may in their judgment be appropriate or advisable, in order to effectuate fully the resolutions adopted and matters ratified or approved herein and the consummation of the transactions contemplated hereby.

RESOLVED, that, any and all past actions heretofore taken by officers of the Company in the name and on behalf of the Company in furtherance of any or all of the preceding resolutions be, and the same hereby are, ratified, confirmed, and approved.

IN WITNESS WHEREOF, I have set my hand this 14th day of September, 2008.

/s/ Ian T. Lowitt

Ian T. Lowitt
Chief Financial Officer, Controller and
Executive Vice President

# Schedule 1 30 Largest Unsecured Claims (Excluding Insiders) 1

Pursuant to Local Bankruptcy Rule 1007-2(a)(4), the following lists the Debtors' thirty largest unsecured claims, on a consolidated basis, excluding claims of insiders as defined in 11 U.S.C. § 101.

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address, including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent or department of creditor familiar with claim who may	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidate d, disputed, or subject to setoff²	Estimated amount of claim as of July 2, 2008 (if secured also state value of security)
Citibank, N.A., as indenture trustee, and The Bank of New York Mellon Corporation (with respect to the Euro Medium Term Notes only), as indenture trustee, under the Lehman Brothers Holdings Inc. Senior Notes	Citibank, NA 399 Park Avenue New York, NY 10043 attn: Wafaa Orfy 1-800-422-2066 212-816-5773 wafaa.m.orfy@citigroup.com The Bank of New York One Canada Square Canary Wharf, London E14 5AL attn: Raymond Morison 44-207-964-8800 Raymond.morison@bnymell on.com	Bond Debt	Scroff	Approximately \$138 billion

<sup>&</sup>lt;sup>1</sup> The information herein shall not constitute an admission of liability by, nor is it binding on, the Debtors. All claims are subject to customary offsets, rebates, discounts, reconciliations, credits, and adjustments, which are not reflected on this schedule.

<sup>&</sup>lt;sup>2</sup> All claims are subject to reconciliations, credits, and adjustments, which are not reflected on this list.

(1)	(2)	(3)	(4)	(5)
Name of creditor and	Name, telephone number	Nature of	Indicate if	Estimated
complete mailing	and complete mailing	claim (trade	claim is	amount of claim
address, including zip	address, including zip code,	debt, bank	contingent,	as of July 2,
code	of employee, agent or	loan,	unliquidate	2008 (if
	department of creditor	government	d, disputed,	secured also
	familiar with claim who may	contract,	or subject to	state value of
	be contacted	etc.)	setoff <sup>2</sup>	security)
The Bank of New York	The Bank of New York	Bond Debt		Approximately
Mellon Corporation, as	Mellon Corporation			\$12 billion
indenture trustee under	101 Barclay Street			
the Lehman Brothers	New York, NY 10286			
Holdings Inc.	attn: Chris O'Mahoney			
Subordinated Debt	1-212-815-4107			
	1-212-815-4000 (fax)			
	chris.omahoney@bnymellon.			
	com			
The Bank of New York	The Bank of New York	Bond Debt		Approximately
Mellon Corporation, as	Mellon Corporation			\$5 billion
indenture trustee under	101 Barclay Street			
the Lehman Brothers	New York, NY 10286			
Holdings Inc. Junior	attn: Chris O'Mahoney			
Subordinated Debt	1-212-815-4107			
	1-212-815-4000 (fax)		Ì	
	chris.omahoney@bnymellon.			
	com			
AOZORA	Koji Nomura	Bank Loan	-	\$463,000,000
1-3-1 Kudan-Minami,	Joint General Manager			
Chiyoda-ku, Tokyo, 102-	Financial Institutions Div.			
8660	Aozora Bank, Ltd.		ļ	
	1-3-1 Kudan-Minami,			
	Chiyoda-ku, Tokyo, 102-			
	8660			
	Tel: 81-3-5212-9631		]	
	Fax: 81-3-3265-9810			
	k4.nomura@aozorabank.co.j		•	
	p	ļ	<u> </u>	6600 000 000
Mizuho Corporate Bank,	Timothy White	Bank Loan		\$289,000,000
Ltd.	Managing Director - Head of			
Global Syndicated	Originations			
Finance Division	Corporate and Investment			
1-3-3, Marunouchi,	Banking Department	1		
Chiyoda-ku	1251 Avenue of the			
Tokyo, Japan 100-8210	Americas, 32nd Floor			
1	New York, NY 10020-1104	1		
•	212-282-3360			
	212-282-4487 (fax)	1		
	timothy.white@mizuhocbus.	1		
	com	<u> </u>	<u> </u>	<u> </u>

(1)	(2)	(3)	(4)	(5)
Name of creditor and	Name, telephone number	Nature of	Indicate if	Estimated
complete mailing	and complete mailing	claim (trade	claim is	amount of claim
address, including zip	address, including zip code,	debt, bank	contingent,	as of July 2,
code	of employee, agent or	loan,	unliquidate	2008 (if
	department of creditor	government	d, disputed,	secured also
	familiar with claim who may	contract,	or subject to	state value of
1	be contacted	etc.)	setoff <sup>2</sup>	security)
Citibank N.A. Hong	Michael Mauerstein	Bank Loan		\$275,000,000
Kong Branch	MD - FIG			
Financial Institutions	388 Greenwich Street			
Group Asia Pacific, 44/F	New York, NY 10013			
Citibank Tower, 3	212-816-3431			•
Garden Rd, Central,				
Hong Kong				
BNP Paribas	Frank Sodano	Bank Loan		\$250,000,000
787 7th Avenue	BNP Paribas			
New York, NY 10019	787 7th Ave.			
,	New York, NY 10019			
	212-841-2084			
Shinsei Bank Ltd.	Tetsuhiro Tomata	Bank Loan		\$231,000,000
1-8, Uchisaiwaicho 2-	General Manager			
Chome	Financial Institutions			
Chiyoda - Ku, Tokyo	Business Div. 2			
100-8501	Shinsei Bank Ltd.			
Japan	1-8, Uchisaiwaicho 2-Chome	•		
	Chiyoda - Ku, Tokyo 100-	:	1	
	8501, Japan			
	Tel: 81-3-5511-5377			
	Fax: 81-3-4560-2834		İ	
	tetsuhiro.toomata@shinseiba			
	nk.com		<u></u>	
UFJ Bank Limited	Stephen Small	Bank Loan		\$185,000,000
2-7-1,Marunouchi	Vice President	1	ļ	
Chiyoda-ku, TKY 100-	Head of Financial	1		
8388	Institutions	•		
Japan	Bank of Tokyo-Mitsubishi	1		
	UFJ Trust Company			
	1251 Avenue of the			
	Americas		Ì	1
	New York, New York			
,	10020-1104	1		
	212-782-4352			
	212-782-6445 (fax)			
	ssmall@us.mufg.jp			

(1)	(2)	(3)	(4)	(5)
Name of creditor and	Name, telephone number	Nature of	Indicate if	Estimated
complete mailing	and complete mailing	claim (trade	claim is	amount of claim
address, including zip	address, including zip code,	debt, bank	contingent,	as of July 2,
code	of employee, agent or	loan,	unliquidate	2008 (if
	department of creditor	government	d, disputed,	secured also
	familiar with claim who may	contract,	or subject to	state value of
	be contacted	etc.)	setoff <sup>2</sup>	security)
Sumitomo Mitsubishi	Yas Imai	Bank Loan		\$177,000,000
Banking Corp	Senior Vice President			
13-6 Nihobashi-	Head of Financial			
Kodenma-Cho, Chuo-ku,	Institutions Group			
Tokyo, 103-0001	Sumitomo Mitsui Banking			
	Corporation			
	277 Park Avenue			
	New York, NY 10172			
	212-224-4031			
	fax: 212 224 4384			
	yasuhiko_imai@smbcgroup.		}	
	com			
Svenska Handelsbanken	Gail Doulgas	Letter of		\$140,610,543
153 E. 53rd St 37th Floor	212-326-2754	Credit	i	
New York, NY 10022				
KBC Bank	Denis Graham	Letter of		\$100,000,000
125 W. 55th St.	212-258-9487	Credit		
New York, NY 10019				
Mizuho Corporate Bank	Timothy White	Bank Loan	,	\$93,000,000
Ltd.	Managing Director - Head of			
1-3-3, Marunouchi	Originations			•
Chiyoda-ku, TKY 100-	Corporate and Investment		1	
8210	Banking Department			
Japan	1251 Avenue of the			
	Americas, 32nd Floor	•		
	New York, NY 10020-1104	}		
	212-282-3360			
Shinkin Central Bank	Shuji Yamada	Bank Loan		\$93,000,000
8-1, Kyobashi 3-Chome	Deputy General Manager			
Chuo-Ku, Tokyo 104-	Financial Institutions Dept.			
0031, Japan	Shinkin Central Bank	}		
	3-7, Yaesu 1-chome, Chuo-			
	Ku			
	Tokyo 104-0028, Japan			
	Tel: 81-3-5202-7679			
	Fax: 81-3-3278-7051			
	shuji.yamada@e-scb.co.jp	<u> </u>	<u> </u>	<u> </u>

(1)	(2)	(3)	(4)	(5)
Name of creditor and	Name, telephone number	Nature of	Indicate if	Estimated
complete mailing	and complete mailing	claim (trade	claim is	amount of claim
address, including zip	address, including zip code,	debt, bank	contingent,	as of July 2,
code	of employee, agent or	loan,	unliquidate	2008 (if
	department of creditor	government	d, disputed,	secured also
	familiar with claim who may	contract,	or subject to	state value of
	be contacted	etc.)	setoff <sup>2</sup>	security)
The Bank of Nova Scotia	George Neofitidis	Bank Loan		\$93,000,000
Singapore Branch	Director Financia Institutions			
1 Raffles Quay #20-01	Group			
One Raffles Quay North	One Liberty Plaza, New		į	
Tower	York			
Singapore 048583	New York 10006			
	212-225-5379			
	fax: 212-225-5254			
	george_neofitidis@scotiacap		ļ	į
	ital.com			
Chuo Mitsui Trust &	Noriyuki Tsumura	Bank Loan		\$93,000,000
Banking	Chuo Mitsui Trust &			
3-33-1 Shiba, Minato-ku,	Banking		i	
Tokyo, 105-0014	3-33-1 Shiba, Minato-ku,	•		
	Tokyo, 105-0014			
	Tel: 81-3-5232-8953			
	Fax: 81-3-5232-8981			
	noriyuki_tsumura@chuomits			
71 I D	ui.jp Matthew Tuck	Letter of		\$75,381,654
Lloyds Bank		Credit		\$73,361,034
1251 Avenue of the	212-930-8967	Credit		
Americas, 39th Fl., P.O.	212-930-5098 (fax)			
Box 4873	mtuck@lloydstsb-usa.com			
New York, NY 10163	Hua Nan Commercial Bank,	Bank Loan	<del> </del>	\$59,000,000
Hua Nan Commercial Bank, Ltd	Ltd	Dank Loan		\$32,000,000
38 Chung-King South	38 Chung-King South Road			
Road Section 1	Section 1			
Taipei, Taiwan	Taipei, Taiwan			
Bank of China, New	William Warren Smith	Bank Loan	<del> </del>	\$50,000,000
York Branch	Chief Loan Officer, Deputy			, , , , , , , , , , , , , , , , , , , ,
410 Madison Avenue	General Manager			
New York, New York	Bank of China, New York	1		
10017	Branch			
Attention: Chief Loan	410 Madison Avenue			
Officer	New York, NY 10017			
	212-935-3101 ext 264			
	212-758-3824 (fax)			
1	wsmith@bocusa.com		_	_

(1)	(2)	(3)	(4)	(5)
Name of creditor and	Name, telephone number	Nature of	Indicate if	Estimated
complete mailing	and complete mailing	claim (trade	claim is	amount of claim
address, including zip	address, including zip code,	debt, bank	contingent,	as of July 2,
code	of employee, agent or	loan,	unliquidate	2008 (if
	department of creditor	government	d, disputed,	secured also
	familiar with claim who may	contract,	or subject to	state value of
	be contacted	etc.)	setoff <sup>2</sup>	security)
Nippon Life Insurance	Takayuki Murai	Bank Loan		\$46,000,000
Co.	Deputy General Manager			
1-6-6, Marunouchi,	Corporate Finance Dept. #1			
Chiyoda-ku, Tokyo, 100-	Nippon Life Insurance Co.			İ
8288	1-6-6, Marunouchi, Chiyoda-			
	ku, Tokyo, 100-8288			
	Tel: 81-3-5533-9814	•		
	Fax: 81-3-5533-5208			i
	murai24234@nissay.co.jp			<u> </u>
ANZ Banking Group	Michael Halevi	Bank Loan		\$44,000,000
Limited,	Director, Financial			
18th Floor Kyobo	Institutions			
Building	ANZ Banking Group			1
1 Chongro 1 Ku,	1177 Avenue of Americas		1	i
Chongro Ka, Seoul	New York, NY 10036			İ
Korea	212-801-9871			
	212-801-9715 (fax)		<u></u>	
Standard Chartered Bank	Bill Hughes	Bank Loan		\$41,000,000
One Madison Avenue	SVP-FIG			
New York, NY 10010 -	Standard Chartered Bank	]		
3603	One Madison Avenue			
	New York, NY 10010 - 3603			
	212-667-0355			ı
	212-667-0273 (fax)	İ		
	bill.hughes@us.standardchart			ļ
	ered.com	<u> </u>		
Standard Chartered Bank	Bill Hughes	Letter of	i	\$36,114,000
1 Madison Ave.	212-667-0355	Credit		
New York, NY 10010	212-667-0251 (fax)			
	bill.hughes@us.standardchart		1	
	ered.com		<u> </u>	
First Commercial Bank	Jason C. Lee	Bank Loan	!	\$25,000,000
Co., Ltd, New York	Deputy General Manager			
Agency	First Commercial Bank Co.,			
750 3rd Avenue,	Ltd, New York Agency		1	
34th floor	34th floor, 750, 3rd Avenue,		1	
New York, NY 10017	New York, NY 10017		1	
	212-599-6868			
	212-599-6133 (fax)	1		
	i82240@firstbank.com.tw	1	<u></u>	<u></u>

(1)	(2)	(3)	(4)	(5)
Name of creditor and	Name, telephone number	Nature of	Indicate if	Estimated
complete mailing	and complete mailing	claim (trade	claim is	amount of claim
address, including zip	address, including zip code,	debt, bank	contingent,	as of July 2,
code	of employee, agent or	loan,	unliquidate	2008 (if
	department of creditor	government	d, disputed,	secured also
	familiar with claim who may	contract,	or subject to	state value of
	be contacted	etc.)	setoff <sup>2</sup>	security)
Bank of Taiwan, New	Eunice S.J. Yeh	Bank Loan		\$25,000,000
York Agency	Senior Vice President &			
100 Wall Street,	General Manager			
11th Floor	100 Wall Street, 11th Floor	ļ		
New York, NY 10005	New York, NY 10005			
,	212-968-0580			
	212-968-8370 (fax)			
	bankoftaiwan@botnya.com			
DnB NOR Bank ASA	Rolf Nagel Dahl	Bank Loan		\$25,000,000
Postal address: NO-0021,	SVP International Financial		į	
Oslo, Norway	Institutions			İ
Office: Stranden 21,	Postal address: NO-0021,			1
Aker Brygge	Oslo, Norway			
	Office: Stranden 21, Aker			]
	Brygge		!	
	Phone: 47 22 94 87 46	İ		
	fax: 47 22 48 29 84			
-	rolfnagel.dahl@dnbnor.no		ļ	
Australia and New	Michael Halevi	Bank Loan		\$25,000,000
Zealand Banking Group	Director, Financial	İ		
Limited,	Institutions			
Melbourne Office	ANZ Banking Group			
Level 6, 100 Queen	1177 Avenue of Americas			
Street Victoria	New York, NY 10036			
Melbourne, VIC 3000	212-801-9871	1	•	
Australia	212-801-9715 (fax)			
	Michael.Halevi@anz.com			İ
Australia National Bank	Michael Halevi	Letter of		\$12,588,235
1177 Avenue of the	212-801-9871	Credit	]	
Americas, 6th Fl.				
New York, NY 10036				
National Australia Bank	Rosemarie O'Canto	Letter of		\$10,294,163
245 Park Ave. 28th, Fl.	212-916-3575	Credit	1	
New York, NY 10167	1			

(1)	(2)	(3)	(4)	(5)
Name of creditor and	Name, telephone number	Nature of	Indicate if	Estimated
complete mailing	and complete mailing	claim (trade	claim is	amount of claim
address, including zip	address, including zip code,	debt, bank	contingent,	as of July 2,
code	of employee, agent or	loan,	unliquidate	2008 (if
	department of creditor	government	d, disputed,	secured also
	familiar with claim who may	contract,	or subject to	state value of
	be contacted	etc.)	setoff <sup>2</sup>	security)
Taipei Fubon Bank, New	Sophia J.H. Jing	Bank Loan		\$10,000,000
York Agency	FVP & General Manager			
100 Wall Street, 14th	Taipei Fubon Bank, New			
Floor, NY NY 10005	York Agency			
212 968 9888	100 Wall Street, 14th Floor,			
	New York, NY 10005			
Head Office: No. 36, Sec	212-968-9888			
3, Nanking, East Rd,	212-968-9800 (fax)			
Taipei, Taiwan	sophia.jing@fubonny.com			

08-13555-mg Doc 12781 Filed 11/15/10 Entered 11/15/1 8:27:26 REQUEST FOR STAY OF STATE COURT PROCEEDINGS AGAINST AURORA Pg 19 of 24

#### **DECLARATION UNDER PENALTY OF PERJURY:**

I, the undersigned authorized officer of Lehman Brothers Holdings Inc., named as the debtor in this case (the "Debtor"), declare under penalty of perjury that I have read the foregoing list of creditors holding the thirty largest unsecured claims against the Debtor and that it is true and correct to the best of my information and belief.

Dated: September 14, 2008

/s/ Ian T. Lowitt	
Signature	

Ü

By: <u>Ian T. Lowitt</u>

Title: Chief Financial Officer

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK	¥	
In re	: :	Chapter 11 Case No.
LEHMAN BROTHERS HOLDINGS INC.	:	08(_)
Debtor.	•	
	X	

#### LIST OF CREDITORS1

Contemporaneously herewith, the Debtor has filed a motion requesting a waiver of the requirement for filing a list of creditors pursuant to sections 105(a), 342(a), and 521(a)(1) of title 11 of the United States Code, Rules 1007(a) and 2002(a), (f), and (l) of the Federal Rules of Bankruptcy Procedure, and Rule 1007-1 of the Local Bankruptcy Rules for the Southern District of New York, and General Orders M-133, M-137, M-138, and M-192 of the United States Bankruptcy Court for the Southern District of New York. The Debtor proposes to furnish its list of creditors to a claims and noticing agent to be engaged by the Debtor.

The list of creditors will contain only those creditors whose names and addresses were maintained in the Debtor's database or were otherwise ascertainable by the Debtor. The schedule of liabilities to be subsequently filed should be consulted for a list of the Debtor's creditors that is comprehensive and current as of the date of the commencement of this case.

<sup>&</sup>lt;sup>1</sup> The information herein shall not constitute an admission of liability by, nor is it binding on, the Debtor.

UNITED STATES BANKRUPTCY CO SOUTHERN DISTRICT OF NEW YO	RK		
In re	:	Chapter 11 Case N	ło.
LEHMAN BROTHERS HOLDINGS I	NC. :	08	
Debtor.	; ; ;		
EXHIBIT "A" 7  The Debtor has securities register	TO VOLUNTARY		and Exchange Act
of 1934. The Debtor's SEC file number			<b>Q</b>
1. The following consolidated financial Debtor's condition as of May 31, 200		ailable information	and refers to the
Total assets		\$ <u>639 bi</u>	llion
Total debts (including debts listed a. Debt securities held by more		\$ <u>613 bi</u>	llion
a. Debt securities field by more			Approximate
			number of holders
secured unsecured	subordinated	\$110.553 billion	Greater than 500
secured unsecured 🗵	subordinated 🛛	\$12.625 billion	Greater than 500
secured unsecured unsecured	subordinated Subordinated	\$5.004 billion	Greater than 500
secured unsecured	subordinated [_]		
	total:	\$128.182 billion	
b. Number of shares of preferre		<u></u>	J
1) 5.94% Cumulative Preferred St 2) 5.67% Cumulative Preferred St 3) 6.50% Cumulative Preferred St 4) Floating Rate Convertible Prefet 5) 7.95% Non-Convertible Perpet 6) 6.375% Preferred Securities, Sc 7) 6.375% Preferred Securities, Sc 8) 6.00% Preferred Securities, Sc 9) 6.24% Preferred Securities, Sc 10) 7.25% Non-Cumulative Perpet 11) 8.75% Non-Cumulative Mand	ock, Series D: up to 4.0 ock, Series F: up to 12. erred Stock, Series G: up to 12.0 millipries L: up to 12.0 millipries L: up to 12.0 millipries M: up to 16 million ies N: up to 8 million tual Convertible Prefer	O million O million up to 5.2 million ries J: up to 66.0 million ion on red Stock, Series P: up	o to 4.0 million

694,401,926 (outstanding)<sup>1</sup>

Number of shares of common stock

<sup>&</sup>lt;sup>1</sup> This number is as of June 30, 2008

#### 2. Brief description of Debtor's business:

The Debtor is a financial services company which, together with its direct and indirect subsidiaries, is the fourth largest investment bank in the United States, serving the financial needs of corporations, governments and municipalities, institutional clients and high net worth individuals worldwide with business activities organized in three segments: Capital Markets, Investment Banking, and Investment Management.

3. List the names of any person who directly or indirectly owns, controls, or holds, with power to vote, 5% or more of the voting securities of Debtor:

Beneficial Owner	Percentage of Outstanding
	Common Stock
(1) AXA and related parties	7.25
(2) ClearBridge Advisors, LLC and related	parties 6.33
(3) FMR LLC and related parties	5.87

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK		
	Х	
	:	
In re	:	Chapter 11 Case No
	:	
LEHMAN BROTHERS HOLDINGS INC.	:	08(_)
	:	
Debtor.	:	
	:	
	X	

#### **EXHIBIT "C" TO VOLUNTARY PETITION**

1. Identify and briefly describe all real or personal property owned by or in possession of the debtor that, to the best of the debtor's knowledge, poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety (attach additional sheets if necessary):

The Debtor does not believe it owns or possesses any real or personal property that poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety. To the extent the Debtor has an interest in such property, to the best of the Debtor's knowledge, the Debtor is in compliance with all applicable laws, including, without limitation, all environmental laws and regulations.

2. With respect to each parcel of real property or item of personal property identified in question 1, describe the nature and location of the dangerous condition, whether environmental or otherwise, that poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety (attach additional sheets if necessary):

The Debtor is not aware of any real or alleged dangerous conditions existing on or related to any real or personal property owned or possessed by the Debtor.

## 08-13555-mg Doc 12781-5 Filed 11/15/10 Entered 11/15/10 8:27:26 REQUEST FOR STAY OF STATE OF RT PROCEEDINGS AGAINST ALL DRA Pg 24 of 24

### 3270 Explorer: Loan Master Maint and Display (MAS1/INV1)

AURORA LOAN SERVICES - 364.

	56	***************************************			AIRD, JANELLE M
Masi Loas 0122 2 ML Eman 2 MV IVV	AIRE TYPE	oan master malei 13 191 mig. Codvi 9225	m w/o ins	16/29/3 (XRM)	:GRODE
INV CAT INV L	can no salb/re	fürch enna Daie CD Date	LASER I CHANGED		
inv eseman sro	THERE HOLDINGS	(MMED)	(Y) S	BRI	
BOR SOI FIFTH	AVENUE		service fi		
SCOTTSBLUE	P, NE 69361	rate b	RATE OR \$ 8	MOUNT	
CONTROL PE	SPECTION	ଉପ ,ପଣ୍ଡିପର ବ	.000000 PRÇ SÇAY	o oo ie ed let	JAR VGA RI 00
SASCO 2006 B		.00	Trai Pard Tox 00.		- PRIN BAG 0,061.43
	SERVICE FARS	And the second of the second o	· · · · · EXCESS · SI	RVICE FEES	7. 1 M. W. W.
THURD DARTY					
THIRD PARTY CORRESPONDENT	BEAN IST REME		ig serv feet		***************************************
	CODE DATE	(000)	MORT SERV F		***************************************
CORRESPONDENT	CODE DATE	(201) (8) (8) (8)	amort seev e (ginal teem:	3.3 :	**************************************
CORRESPONDENT		gey cr on re	MORT SEEV FI (GINAL TERM: MAINING TERM	2.53 j · · · · · · · · · · · · · · · · · ·	***************************************
CORRESPONDENT  CODE  CORRESPONDENT	CODE DATE	GEV CER ON RES OPTION	MORT SEEV FI (GINAL TEEM: (AINING TERM (; DOC (		
CORRESPONDENT CODE  CORE/PLAN:	CODE DATE (MMYY)	CIN/ GSV CR ON REI OPTICA ADDITIONAL NESS	MORT SERV FI GINAL TERM: (AINING TERM () DOC:		
CORRESPONDENT CORRESPONDENT CORRESPONDENT CORRESPONDENT CORRESPONDENT	CODE DATE (MMYY) AN EFFECT DEFAU	GEV CER ON RES OPTION	Mort Serv R (Ginal Teem) (Aining Term (; Doc ( NEES *)		